

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

NOAH BROWN AND CAROLYN
BROWN,

Plaintiffs,
v.

STATE FARM FIRE AND
CASUALTY COMPANY,

Defendant.

Case No. CIV-22-971-R

**PLAINTIFFS' UNOPPOSED APPLICATION TO HOLD CASE IN
ABEYANCE**

COMES NOW, Plaintiffs, Noah Brown and Carolyn Brown ("Plaintiffs") and request this Court hold the above captioned case in abeyance for a period of 180 days. In support, Plaintiffs state as follows:

1. Plaintiffs filed their *Petition* in the District Court of Oklahoma County, State of Oklahoma, in case number CJ-2022-5090 (the "State Court Case"), on October 14, 2022.
2. No Summons have been issued in the State Court Case and Defendant has not been served with the *Petition* filed in the State Court Case.

3. State Farm Fire and Casualty Company (“Defendant”) filed its *Notice of Filing Notice of Removal* in the State Court Case, and *Notice of Removal* in the above-captioned case on November 10, 2022.
4. Defendant also filed *Defendant’s Partial Motion to Dismiss and Brief In Support* and *Defendant’s Partial Answer* on November 10, 2022.
5. There is currently an insurance claim pending with regard to the property that is the subject of this lawsuit.
6. Plaintiffs submitted their Proof of Loss Package to Defendant on October 18, 2022.
7. Plaintiffs and Defendants agree that there is no need to litigate this matter until the insurance claim is finalized.
8. Plaintiffs’ counsel has contacted Defendant’s counsel, Andrew Morris, and Mr. Morris has advised the Plaintiffs’ counsel that Defendant does not oppose this Application.
9. Therefore, Plaintiffs request that the above-captioned case be held in abeyance for 180 days, pending resolution of the insurance claim.
10. Upon expiration of the 180 day abeyance, Plaintiffs shall have ten (10) days to file a response to *Defendant’s Partial Motion to Dismiss*, or dismiss this case, whichever is appropriate given the outcome of the insurance claim.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs, Noah and Carolyn Brown, request that the Court hold the above-captioned case in abeyance for 180 days, and for such other relief as the Court deems equitable.

Respectfully Submitted,

/s/ Amanda R. Blackwood
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ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on November 28, 2022, a true and correct copy of this document was electronically served using the CM/ECF system to:

Andrew Morris
andrew.morris@mcafeetaft.com

And all other parties registered through the CM/ECF system.

/s/ Amanda R. Blackwood